

5104 BURKE FOOD CORP.

Amalgamated Meat Cutters Retail Food Store  
Employees Union UFCW Local 342  
of Greater New York  
UFCW LOCAL 342 HEALTHCARE FUND  
UFCW LOCAL 342 SEC FUND  
UFCW LOCAL 342 LEGAL FUND

APPEARANCES

For the Employer

For the Fund

Donald Proniewych  
Adrienne Wincott

In accordance with notice duly given, an Arbitration was held on May 30, 2007 at the office of Local 342, Amalgamated Meat Cutters/Retail Food Stores, Union located at 166 East Jericho Turnpike, Mineola, NY 11501.

At the aforementioned time and place, the parties were afforded full opportunity to be heard, to offer evidence and argument and to examine and cross-examine witnesses. Witnesses were duly sworn prior to submitting testimony.

Pursuant to an agreement between the parties, the undersigned was duly designated Arbitrator to render a decision binding upon all parties, with regard to the following issue:

Unpaid contributions for the UFCW Local 342 Healthcare Fund, and UFCW Local 342 SEC & Legal Funds for the time period from December 2004 through April 2007.

UFCW Local 342 Healthcare Fund	\$ 20,815.00
UFCW Local 342 SEC & Legal Funds	224.00

Background:

After waiting one hour beyond the scheduled starting time of the Arbitration Hearing for the employer to appear, the Fund submitted into evidence proof of service of the statutory notice to Arbitrate and moved to have the Arbitrator hold the hearing Ex-Parte. The Arbitrator sustained the motion and held an Ex-Parte Hearing in this matter. The Union/Fund presented testimony and evidence in support of their contention that the Employer was delinquent in the payment of contributions to the UFCW Local 342 Healthcare Fund, and UFCW Local 342 SEC & Legal Funds.

Award

Pursuant to a review of all testimony and evidence submitted at the Arbitration Hearing, it is the Award of the Arbitrator that:  
The Employer is delinquent in payment to the UFCW Local 342 Healthcare Fund, and UFCW Local 342 SEC & Legal Funds.

The Employer, BURKE FOOD CORP. is therefore directed to pay the amounts due to each of the funds in accordance with the following forthwith:

UFCW Local 342 Healthcare Fund	\$ 20,815.00
UFCW Local 342 SEC & Legal Funds	224.00
Interest 18 % per annum	\$ 4,150.89
Liquidated Damages 20%	\$ 5,037.98
Sub-Total	\$ 30,227.87
Attorneys' Fees	\$ 800.00
Cost of Arbitration	\$ 800.00
Total	\$ 31,827.87
Dated: May 30, 2007	

John Kennedy, Arbitrator

STATE OF NEW YORK  
COUNTY OF NASSAU

On this day of May 2007 before me came John Kennedy, to me known to be the person described herein, and who executed the foregoing instrument and acknowledge that he execute same.

Notary Public

GRETA INABINETT  
Notary Public, State of New York  
No. 01IN6041269  
Qualified in Queens County  
My Commission Expires May 8, 2010